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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

v.

Dominic Leos,  
Defendant.

No. CR-23-01025-PHX-MTL-001

**PLEA AGREEMENT**

The United States of America and the defendant, Dominic Leos, hereby agree to dispose of this matter on the following terms and conditions:

**PLEA**

The defendant agrees to plead guilty to Count 1 of the Indictment charging the defendant with a violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (a)(1)(A)(v)(I) and 1324(a)(1)(B)(i), Conspiracy to Transport Illegal Aliens for Profit, a Class C felony offense.

**1. MAXIMUM PENALTIES**

a. A violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), (a)(1)(A)(v)(I) and 1324(a)(1)(B)(i) is punishable by a maximum fine of \$250,000.00, a maximum term of imprisonment of ten years, or both, and a maximum term of supervised release of three years. The maximum term of probation is five years.

1           b. According to the Sentencing Guidelines issued pursuant to the Sentencing  
2 Reform Act of 1984, the Court shall order the defendant to:

3           (1) make restitution to any victim of the offense pursuant to 18 U.S.C. § 3663  
4 and/or 3663A, unless the Court determines that restitution would not be appropriate;

5           (2) pay a fine pursuant to 18 U.S.C. §3572, unless the Court finds that a fine is  
6 not appropriate;

7           (3) serve a term of supervised release when required by statute or when a  
8 sentence of imprisonment of more than one year is imposed (with the understanding that  
9 the Court may impose a term of supervised release in all other cases);

10          (4) pay upon conviction a \$100 special assessment for each count to which the  
11 defendant pleads guilty pursuant to 18 U.S.C. § 3013(a)(2)(A); and

12          (5) pay upon conviction an additional \$5,000 special assessment pursuant to 18  
13 U.S.C. § 3014(a), unless the Court determines that the defendant is indigent.

14          c. The Court is required to consider the Sentencing Guidelines in determining  
15 the defendant's sentence. However, the Sentencing Guidelines are advisory, and the Court  
16 is free to exercise its discretion to impose any reasonable sentence up to the maximum set  
17 by statute for the crime(s) of conviction, unless there are stipulations to the contrary that  
18 the Court accepts.

19       **2. AGREEMENTS REGARDING SENTENCING**

20          a. Recommendation: Acceptance of Responsibility. Pursuant to Fed. R. Crim.  
21 P. 11(c)(1)(B), if the defendant makes full and complete disclosure to the Probation Office  
22 of the circumstances surrounding the defendant's commission of the offense, and if the  
23 defendant demonstrates an acceptance of responsibility for this offense up to and including  
24 the time of sentencing, the United States will recommend a two-level reduction pursuant  
25 to U.S.S.G. § 3E1.1. If the defendant has an offense level of 16 or more, the United States  
26 will move for an additional one-level reduction pursuant to U.S.S.G. § 3E1.1.

27          b. Stipulation: Sentencing Cap. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the  
28 United States and the defendant stipulate and agree that the defendant's sentence shall not

1 exceed the high end of the sentencing range as calculated under U.S.S.G. § 1B1.1(a). This  
 2 stipulated sentencing cap will not change based on departures considered under U.S.S.G.  
 3 § 1B1.1(b). Nothing in this agreement shall preclude the defendant from moving for a  
 4 downward departure, variance, or sentence below the cap, or the court from imposing a  
 5 sentence below the cap.

6 c. Stipulation: Role. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States  
 7 and the defendant stipulate and agree that based on the facts known to the government, the  
 8 defendant was an organizer, leader, manager or supervisor in the criminal activity pursuant  
 9 to U.S.S.G. § 3B1.1(c).

10 d. Stipulation: Role. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States  
 11 and the defendant stipulate and agree that based on the facts known to the government, the  
 12 defendant smuggled, transported or harbored at least 25 but no more than 99 illegal aliens  
 13 pursuant to U.S.S.G. § 2L1.1(b)(2)(B).

14 e. Non-Binding Recommendations. The defendant understands that  
 15 recommendations are not binding on the Court. The defendant further understands that the  
 16 defendant will not be permitted to withdraw the guilty plea if the Court does not follow a  
 17 recommendation.

### 18 3. AGREEMENT TO DISMISS OR NOT TO PROSECUTE

19 This agreement does not, in any manner, restrict the actions of the United States in  
 20 any other district or bind any other United States Attorney's Office.

### 21 4. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION

22 a. If the Court, after reviewing this plea agreement, concludes that any  
 23 provision contained herein is inappropriate, it may reject the plea agreement and give the  
 24 defendant the opportunity to withdraw the guilty plea in accordance with Fed. R. Crim. P.  
 25 11(c)(5).

26 b. If the defendant's guilty plea or plea agreement is rejected, withdrawn,  
 27 vacated, or reversed at any time, this agreement shall be null and void, the United States  
 28 shall be free to prosecute the defendant for all crimes of which it then has knowledge and

1 any charges that have been dismissed because of this plea agreement shall automatically  
2 be reinstated. In such event, the defendant waives any and all objections, motions, and  
3 defenses based upon the Statute of Limitations, the Speedy Trial Act, or constitutional  
4 restrictions in bringing later charges or proceedings. The defendant understands that any  
5 statements made at the time of the defendant's change of plea or sentencing may be used  
6 against the defendant in any subsequent hearing, trial, or proceeding subject to the  
7 limitations of Fed. R. Evid. 410.

8 **5. WAIVER OF DEFENSES AND APPEAL RIGHTS**

9 The defendant waives (1) any and all motions, defenses, probable cause  
10 determinations, and objections that the defendant could assert to the indictment or  
11 information; and (2) any right to file an appeal, any collateral attack, and any other writ or  
12 motion that challenges the conviction, an order of restitution or forfeiture, the entry of  
13 judgment against the defendant, or any aspect of the defendant's sentence, including the  
14 manner in which the sentence is determined, including but not limited to any appeals under  
15 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255  
16 (habeas petitions), and any right to file a motion for modification of sentence, including  
17 under 18 U.S.C. § 3582(c) (except for the right to file a compassionate release motion under  
18 18 U.S.C. § 3582(c)(1)(A) and to appeal the denial of such a motion). This waiver shall  
19 result in the dismissal of any appeal, collateral attack, or other motion the defendant might  
20 file challenging the conviction, order of restitution or forfeiture, or sentence in this case.  
21 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective  
22 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section  
23 II.B of Ariz. Ethics Op. 15-01 (2015)).

24 **6. DISCLOSURE OF INFORMATION**

25 a. The United States retains the unrestricted right to provide information and  
26 make any and all statements it deems appropriate to the Probation Office and to the Court  
27 in connection with the case.

28 b. Any information, statements, documents, and evidence that the defendant

1 provides to the United States pursuant to this agreement may be used against the defendant  
2 at any time.

3 c. The defendant shall cooperate fully with the U.S. Probation Office. Such  
4 cooperation shall include providing complete and truthful responses to questions posed by  
5 the Probation Office including, but not limited to, questions relating to:

6 (1) Criminal convictions, history of drug abuse and mental illness; and

7 (2) Financial information, including present financial assets or liabilities  
8 that relate to the ability of the defendant to pay a fine.

9 **7. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS**

10 Nothing in this agreement shall be construed to protect the defendant from  
11 administrative or civil forfeiture proceedings or prohibit the United States from proceeding  
12 with and/or initiating an action for civil forfeiture. Pursuant to 18 U.S.C. § 3613, all  
13 monetary penalties, including restitution imposed by the Court, shall be due immediately  
14 upon judgment, shall be subject to immediate enforcement by the United States, and shall  
15 be submitted to the Treasury Offset Program so that any federal payment or transfer of  
16 returned property the defendant receives may be offset and applied to federal debts (which  
17 offset will not affect the periodic payment schedule). If the Court imposes a schedule of  
18 payments, the schedule of payments shall be merely a schedule of minimum payments and  
19 shall not be a limitation on the methods available to the United States to enforce the  
20 judgment.

21 **8. ELEMENTS**

22 **Conspiracy to Transport Illegal Aliens for Profit**

23 Beginning on an unknown date and continuing through on or about January 14,  
24 2023, in the District of Arizona:

- 25 1. The defendant and others did willfully agree and conspire with each other to  
26 commit an offense against the United States, namely, transportation of illegal  
27 aliens for profit; and  
28

- 1           2.     The defendant became a member of the conspiracy knowing of its object and  
2                 intending to help accomplish it.

3           The conspirators need not agree on or know every detail of the conspiracy but must  
4     work to accomplish a common illicit purpose.

5           The underlying offense of Transportation of an Illegal Alien for Profit requires proof  
6     of the following:

- 7           1.     Raul Gumeta-Gomez and Maria Guzman-Mesa were aliens;  
8           2.     Raul Gumeta-Gomez and Maria Guzman-Mesa were not lawfully in the  
9                 United States;  
10          3.     The defendant knew or acted in reckless disregard of the fact that Raul  
11                 Gumeta-Gomez and Maria Guzman-Mesa were aliens not lawfully in the  
12                 United States;  
13          4.     The defendant and/or co-defendant knowingly transported or moved Raul  
14                 Gumeta-Gomez and Maria Guzman-Mesa in order to help them remain in  
15                 the United States illegally; and  
16          5.     The defendant and/or co-defendant transported or moved Raul Gumeta-  
17                 Gomez and Maria Guzman-Mesa for the purpose of commercial advantage  
18                 and private financial gain.

19     **9. FACTUAL BASIS**

20           a.     The defendant admits that the following facts are true and that if this matter  
21     were to proceed to trial the United States could prove the following facts beyond a  
22     reasonable doubt:

23  
24           Beginning on an unknown date and continuing through on or about January  
25     14, 2023, in the District of Arizona, I, Dominic Leos, coordinated and/or  
26     recruited my co-defendant, Hailey Ann Marie Hackney and others to  
27     transport illegal aliens for profit. During the conspiracy I used social media  
28     sites, including Snapchat, to recruit and coordinate drivers to pick up illegal  
   aliens in Southern Arizona and transport them further into the United States  
   for profit. Additional during the conspiracy, I also transported illegal aliens



1 on behalf of members of the conspiracy. I knew the individuals we picked up  
2 and transported were illegal aliens and we intended to assist them in  
3 remaining in the United States unlawfully. Some of the illegal aliens  
transported were Raul Gumeta-Gomez and Maria Guzman-Mesa.

4 During the conspiracy, I provided my co-defendant and others with  
5 instructions on how and where to pick up the illegal aliens. Specifically, I or  
6 another member of the conspiracy, provided GPS coordinates on where to  
7 pick up the illegal aliens and then provided them with transportation routes  
designed to circumvent detection by law enforcement.

8 b. The defendant shall swear under oath to the accuracy of this statement and,  
9 if the defendant should be called upon to testify about this matter in the future, any  
10 intentional material inconsistencies in the defendant's testimony may subject the defendant  
11 to additional penalties for perjury or false swearing, which may be enforced by the United  
12 States under this agreement.

13 **APPROVAL AND ACCEPTANCE OF THE DEFENDANT**

14 I have read the entire plea agreement with the assistance of my attorney. I  
15 understand each of its provisions and I voluntarily agree to it.

16 I have discussed the case and my constitutional and other rights with my attorney.  
17 I understand that by entering my plea of guilty I shall waive my rights to plead not guilty,  
18 to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to  
19 present evidence in my defense, to remain silent and refuse to be a witness against myself  
20 by asserting my privilege against self-incrimination, all with the assistance of counsel, and  
21 to be presumed innocent until proven guilty beyond a reasonable doubt.

22 I agree to enter my guilty plea as indicated above on the terms and conditions set  
23 forth in this agreement.

24 I have been advised by my attorney of the nature of the charges to which I am  
25 entering my guilty plea. I have further been advised by my attorney of the nature and range  
26 of the possible sentence and that my ultimate sentence shall be determined by the Court  
27 after consideration of the advisory Sentencing Guidelines.  
28

1 My guilty plea is not the result of force, threats, assurances, or promises, other than  
2 the promises contained in this agreement. I voluntarily agree to the provisions of this  
3 agreement and I agree to be bound according to its provisions.

4 I understand that if I am granted probation or placed on supervised release by the  
5 Court, the terms and conditions of such probation/supervised release are subject to  
6 modification at any time. I further understand that if I violate any of the conditions of my  
7 probation/supervised release, my probation/supervised release may be revoked and upon  
8 such revocation, notwithstanding any other provision of this agreement, I may be required  
9 to serve a term of imprisonment or my sentence otherwise may be altered.


10 This written plea agreement, and any written addenda filed as attachments to this  
11 plea agreement, contain all the terms and conditions of the plea. Any additional  
12 agreements, if any such agreements exist, shall be recorded in a separate document and  
13 may be filed with the Court under seal; accordingly, additional agreements, if any, may not  
14 be in the public record.

15 I further agree that promises, including any predictions as to the Sentencing  
16 Guideline range or to any Sentencing Guideline factors that will apply, made by anyone  
17 (including my attorney) that are not contained within this written plea agreement, are null  
18 and void and have no force and effect.

19 I am satisfied that my defense attorney has represented me in a competent manner.

20 I fully understand the terms and conditions of this plea agreement. I am not now  
21 using or under the influence of any drug, medication, liquor, or other intoxicant or  
22 depressant that would impair my ability to fully understand the terms and conditions of this  
23 plea agreement.

24  
25 11/24/2023  
26 Date

27   
28 DOMINIC LEOS  
Defendant



**APPROVAL OF DEFENSE COUNSEL**

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea including the maximum statutory sentence possible. I have further discussed the concept of the advisory Sentencing Guidelines with the defendant. No assurances, promises, or representations have been given to me or to the defendant by the United States or any of its representatives that are not contained in this written agreement. I concur in the entry of the plea as indicated above and that the terms and conditions set forth in this agreement are in the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all the requirements of Fed. R. Crim. P. 11.

Date

11/24/23

  
 RAMIRO SALAZAR FLORES  
 Attorney for Defendant
**UNITED STATES' APPROVAL**

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

 GARY M. RESTAINO  
 United States Attorney  
 District of Arizona

9/15/2023

Date

  
 STUART J. ZANDER  
 Assistant U.S. Attorney
**COURT'S ACCEPTANCE**
 April 29, 2024  
 Date

  
 HONORABLE MICHAEL T. LIBURDI  
 United States District Judge